

**Written Statement of Kevin Ring
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Submitted to the House Committee on Oversight and Government Reform,
U.S. House of Representatives, for its hearing on
Bureau of Prisons and Inmate Reentry Oversight
December 13, 2017**

I want to thank Chairman Gowdy, Ranking Member Cummings, and the members of this committee for the opportunity to submit written testimony on behalf of Families Against Mandatory Minimums (FAMM). FAMM is a nonpartisan, nonprofit sentencing and prison reform advocacy group founded in Washington, DC in 1991.

Summary

Today's hearing is very important, and we are grateful to the committee's leadership for taking time to consider the critical issues we expect you will address. We hope members will have an opportunity to read our full statement. FAMM, which has unique access to federal prisoners, began receiving alarming accounts of halfway house closures that were disrupting reentry preparation and family reunification. The closures, which we quickly confirmed, had a ripple effect throughout the federal system as prisoners received word of delayed or cancelled halfway house transfer dates.

This testimony briefly outlines the statutory framework for using halfway houses and home confinement to support prisoner reentry; summarizes Bureau of Prisons (BOP) guidance memoranda regarding program expectations; and briefly presents a recent audit from the Department of Justice (DOJ) Inspector General (IG), critical of the BOP's adherence to its own internal guidance when making reentry placement decisions. We then present our own findings about halfway houses from a survey of prisoners from earlier this year. Their responses indicate that the BOP underutilizes halfway house and home confinement for reentry purposes, despite the fact that many of our respondents indicated they needed that time to adjust to freedom before fully returning to the community.

Finally, we assess these closures and delays through the prism of public safety, fiscal responsibility, and the direct and personal impact on returning prisoners and their loved ones, drawing on individual accounts from our members.

In addition to examining the halfway house closures, we urge the committee to explore the state of compassionate release in the federal system, also administered by the BOP and also plagued by problems that cost taxpayer dollars and have a direct and significant impact on some of the most vulnerable prisoners housed in federal prisons.

Introduction

FAMM's mission is to protect public safety and promote efficiency in the criminal justice system by advocating for individualized treatment of offenders at all stages of their punishment, from

the type and length of their sentence, to their rehabilitation in prison, to their reintegration in the community. We support

- **Sentences** that fit the crime and the offender and are determined on an individual basis by judges, who are in the best position to decide the proper punishment in every case;
- **Rehabilitation** in prison that includes meaningful, high-quality job training, education, substance abuse and mental health treatment, cognitive behavioral therapy, and family reunification programs, matched to each prisoner's unique skills and needs; and
- **Reentry** that uses halfway houses, home confinement, electronic monitoring, and other alternatives appropriately for each returning citizen to help prepare them to live a crime-free life.

Prisoners and their families have been at the heart of FAMM's advocacy for more than 25 years because we believe that policies should be made with those they affect in mind. Our work with them helps us better understand and convey the toll that crime and incarceration inflicts on individuals, families, and communities. FAMM regularly corresponds via email with approximately 40,000 people incarcerated in federal prisons. In recent months, we began receiving dozens of troubling emails from prisoners across the country, alerting us that the BOP was reducing the amount of time they would spend in a residential reentry center (RRC, or halfway house) at the end of their sentences.

We began to look into their accounts. Through media reports and discussions with halfway house contractors and concerned congressional offices, we learned that

- 16 halfway houses would not have their contracts renewed by the BOP;
- The BOP altered the Statement of Work (SOW) for all halfway house providers, eliminating the requirement that they provide cognitive behavioral programming (CBP) and employ a social services coordinator (SSC) to assist prisoners with finding jobs and housing;
- Halfway houses had been accepting more federal prisoners than their contracts with BOP permitted, and this practice has stopped, further reducing the number of halfway house beds available to help federal prisoners reenter society and not reoffend.¹

Suddenly, our emails from federal prisoners made sense. We are grateful that the committee is investigating this issue today, and below we will share what we know about the impact of halfway house policies and changes and address some other areas where further oversight of the BOP would be helpful.

A Brief History of the BOP's Policies on the Use of Halfway Houses

Federal law provides that the BOP “*shall, to the extent practicable, ensure that a prisoner . . . spends a portion of the final months of [their prison] term, (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for . . . reentry . . . into the community. Such conditions may include a community correctional*

¹ FAMM, Halfway House Closures: Update (Nov. 20, 2017), <http://famm.org/halfway-house-horrors/>.

facility.”² A portion of those final months may be spent on home confinement, but for no more than 10 percent of the term of imprisonment or six months, whichever is shorter.³

Congress, in the Second Chance Act of 2007, required the BOP to report annually to the House and Senate Judiciary Committees on utilization of community corrections facilities.⁴ Each report must contain the following information:

- The number and percentage of prisoners transferred to halfway houses;
- The average length of time spent by those prisoners in the halfway house;
- Halfway house utilization trends;
- Reasons why some prisoners are not transferred to halfway houses; and
- Any other information that will help the committees judge whether the BOP is using halfway houses effectively.⁵

The Second Chance Act also directed the BOP to issue regulations, no later than 90 days following its enactment. The regulations were “to ensure” that the halfway house placements are

- Made considering facility resources, the nature and circumstances of the offense, the history and characteristics of the defendant, court statements regarding the purpose of the sentence and recommendations about the type of facility, and any pertinent policy statement from the U.S. Sentencing Commission;
- “Determined on an individual basis”; and
- “Of sufficient duration to provide the greatest likelihood of successful reintegration into the community.”⁶

Regulatory Provisions

In 2008, the BOP published an interim regulation to amend the BOP’s program statement governing halfway houses, P.S. 570.20 et seq.⁷ The proposed regulation would have established the 12-month outer limit for community confinement (as well as the 10 percent or six-month limit on home confinement) established in the Second Chance Act.⁸ It also would have adopted the statutory requirements that halfway house decisions should be both individualized and long enough to provide the greatest likelihood of successful reentry.⁹

FAMM provided public comment on the proposed rule and expressed concern that the BOP would continue its longstanding practice of limiting halfway house transfers to six months or

² 18 U.S.C. § 3624(c)(1) (2017) (emphasis added). The term “halfway house” has been replaced by the term “Residential Reentry Centers” or “RRC” to refer to institutions of community confinement. We use the two terms interchangeably throughout this testimony.

³ § 3624(c)(2).

⁴ § 3624(c)(5).

⁵ *Id.*

⁶ § 3624 (c)(6).

⁷ 73 FR 62440 (Oct. 21, 2008).

⁸ 73 FR 62443.

⁹ *Id.* The interim rule was republished in response to litigation several years later. *See* 76 FR 58197 (Oct. 21, 2008).

less.¹⁰ Specifically, we cited statements by the then-director of the BOP to the effect that the agency’s research supported limiting pre-release community confinement to six months.¹¹

Despite the legislative directive, the BOP never published a final regulation ensuring compliance with the mandates that halfway house decisions be individualized and of sufficient duration to ensure the greatest likelihood of success.¹²

Perhaps in lieu of regulations, the BOP issued a series of memoranda, including a “guidance memo” to staff regarding home confinement and RRC placement.¹³ The memorandum states that halfway houses should be used for those prisoners with the greatest need and the highest likelihood of recidivism and that, pursuant to the Second Chance Act, those decisions must be made on an individualized basis.¹⁴ Staff are directed to consider public safety as well, however, when determining whether to release an individual to a halfway house. “[W]hen you thoroughly weigh the potential for increased risk of recidivism of a street release versus release through an RRC, it may in fact be in the best interest of public safety to refer the inmate to the RRC.”¹⁵

The guidance memorandum recited and endorsed the Second Chance Act individualization and time directives, providing examples of who might benefit from longer placement in an RRC and stating that those with lower risk scores would best be sent to home confinement.¹⁶

The memorandum also addresses home confinement, either managed by the halfway house or by placement in the Federal Location Monitoring program operated by U.S. Probation. “We must make a concerted effort to utilize these effective community placement options for appropriate inmates. In addition to reintegrating inmates more quickly into their communities, maximizing the use of home confinement for appropriate inmates will help mitigate our critical population/capacity issues.”¹⁷ The memo sets out a list of factors to consider when determining whether to use only home confinement for reentry purposes.¹⁸ The memo reminds staff that all prisoners are eligible for home confinement.¹⁹

Inspector General Audit

While “reasonable,” the BOP’s halfway house and home confinement policies are not followed all the time, according to the Inspector General of the Department of Justice (IG). In an audit published in November 2016, the IG found that reentry placements are not made based on the

¹⁰ See Letter from Todd Bussert and Mary Price to Office of the General Counsel-Rules Unit, Bureau of Prisons, 12-13 (Dec. 22, 2008), <https://www.regulations.gov/document?D=BOP-2009-0005-0059>.

¹¹ *Id.* at 13.

¹² Voicemail message from Sarah Qureshi, Rules Unit, BOP Office of the General Counsel to Mary Price (Nov. 27, 2017) (stating that no final rule has been adopted).

¹³ See Bureau of Prisons, Memorandum for Regional Directors, Wardens, Residential Reentry Managers from Blake R. Davis, Assistant Director, Correctional Programs Div. on Guidance for Home Confinement and Residential Reentry Center Placements 1-2 (May 24, 2013), https://www.bop.gov/foia/rrc_hc_guidance_memo.pdf.

¹⁴ *Id.* at 1.

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 3.

¹⁸ *Id.* at 5.

¹⁹ *Id.* at 7.

inmate's need for transitional services, as indicated by the individual's security classification and risk of recidivism.²⁰ To the contrary, the IG found that the BOP placed prisoners into RRCs without regard to individual considerations. "As a result, high-risk inmates with a high need for transitional services are more less likely to be placed in an RRC or home confinement, and are correspondingly more likely to be released back into society directly."²¹ For example, 42 percent of high risk prisoners were returned directly to the community without any transitional housing or support.²² Conversely, prisoners with the lowest risk of recidivism and need are "far more likely" to be transferred through halfway houses and home confinement.²³

Not only is the BOP failing to make placements based on an individual's needs, as required by the Second Chance Act, it is also failing to ensure that people are given halfway house placements of sufficient duration to provide the greatest likelihood of success. The Inspector General wrote:

BOP guidance indicates that the longer an inmate is incarcerated, the more likely it is that the inmate will need to transition back into the community through an RRC and/or home confinement. Although it was not specifically stated in BOP's policy or the recidivism research we reviewed, the presumption apparently is that the longer an inmate is incarcerated, the harder it is for the inmate to reintegrate back into society. However, based on our analysis of the release data, we did not find any indication of a significant correlation between the length of incarceration and the percentage of inmates placed in RRCs and/or home confinement.²⁴

According to the IG, it "appears that BOP is underutilizing direct home confinement placement as an alternative to RRC placement for transitioning low-risk, low-need inmates back into society."²⁵

Why the Recent Halfway House Changes Matter

As the history above details, the BOP has a longstanding practice of underutilizing halfway houses and home confinement, including using those options on the wrong groups of people leaving federal prisons.

We obtained similar findings in our own survey of federal prisoners in June 2017.²⁶ We asked more than 2,000 prisoners to share their expectations and experiences with being designated to a

²⁰ U.S. Dep't of Justice, Office of the Inspector General, Audit of the Federal Bureau of Prisons Management of Inmate Placements in Residential Reentry Centers and Home Confinement 6 (Nov. 2016), <https://oig.justice.gov/reports/2016/a1701.pdf>.

²¹ U.S. Dep't of Justice, Office of the Inspector General, Press Release: DOJ OIG Releases Report on BOP's Use of Residential Reentry Centers and Home Confinement 1 (Nov. 15, 2016), <https://oig.justice.gov/press/2016/2016-11-15.pdf>.

²² OIG Audit, at 14.

²³ *Id.* at 16.

²⁴ *Id.* at 21.

²⁵ *Id.* at ii.

²⁶ KEVIN RING & MOLLY GILL, USING TIME TO REDUCE CRIME: FEDERAL PRISONER SURVEY RESULTS SHOW WAYS TO REDUCE RECIDIVISM (June 2017), <http://famm.org/download/17046/>.

halfway house or to home confinement. Almost universally, prisoners reported that they would be receiving only three to six months at most in a halfway house at the end of their prison terms, and these determinations were not individualized, but a matter of policy or practice at most facilities.²⁷ Overall, many prisoners expressed fears that they

- Would not spend sufficient time in a halfway house to find jobs and housing;
- Would not receive the rehabilitative services they need while there;
- Would not be able to save for rent and other needs while paying 25 percent of their gross income to halfway house contractors, as current policy requires;
- Would be placed in a halfway house that is unsafe, located in a high-crime community, or filled with more dangerous offenders;
- Would be placed in a halfway house far from home, essentially being required to do reentry twice – once in the halfway house, and once when they returned to their hometowns and families.²⁸

Further, many prisoners expressed the readiness and desire to be released directly to home confinement, but said that the BOP rarely if ever utilized this option.²⁹ These findings echoed what we had heard anecdotally for decades, and they are cause for concern.

For prisoners, the recent halfway house closures and cuts to halfway house services and staff only exacerbate the real and perceived shortcomings of the BOP's reentry coordination. More importantly, the closures and other changes to halfway houses create serious consequences for taxpayers, public safety, and families, as outlined below.

Longer Prison Stays Present Overcrowding, Cost, and Public Safety Concerns

The corollary of shorter halfway house stays is longer prison sentences for many people, which drive up prison populations and costs over time and place greater burdens on the Department of Justice's (DOJ) budget. According to the IG at the DOJ, the BOP continues to experience overcrowding, with a population at 14 percent over its rated capacity overall, at 25 percent over rated capacity in high security prisons, and expected to grow two percent in FY 2018.³⁰ Prisons continue to consume a full quarter of the Justice Department budget.³¹ The IG has already warned of a need to monitor prison population growth that may result from new charging and enforcement policies.³² No correctional option except home confinement is relatively cheap for taxpayers: it costs \$35,000 per year, per prisoner for a prison stay or \$29,000 per year, per prisoner for a halfway house stay. It costs only about \$4,500 to supervise a person on home confinement for a year.³³

²⁷ *Id.* at 20.

²⁸ *Id.* at 20-22.

²⁹ *Id.* at 20.

³⁰ U.S. Dep't of Justice, Office of the Inspector General, Top Management and Performance Challenges Facing the Department of Justice – 2017 III-12 (Oct. 26, 2017), <https://oig.justice.gov/challenges/2017.pdf> (figures were calculated as of April 2017).

³¹ *Id.* at III-12.

³² *Id.* at III-13.

³³ U.S. Courts, Incarceration Costs Significantly More Than Supervision (Aug. 17, 2017), <http://www.uscourts.gov/news/2017/08/17/incarceration-costs-significantly-more-supervision>.

Unless BOP builds more prisons, contracts for more halfway houses, or uses home confinement more often – or Congress passes laws that produce shorter prison sentences – shorter RRC stays will increase prison populations and costs for DOJ. In an age of flat or declining budgets, these extra costs will deplete funding for the Department’s higher-priority anti-crime programs and personnel.

Shorter Stays in Halfway Houses Present Troubling Public Safety Questions

We are concerned that decreasing the length of halfway house stays across the board could harm public safety in ways the BOP did not fully evaluate. First, hundreds of prisoners reported to us that the time they had been told they would spend in a halfway house has been reduced to a period of two to four months. Many of these prisoners have spent five, 10, 15, or 20 years or more in prison and feel they need more time in a halfway house to find the jobs, housing, and community support they will need to stay crime-free. Shortening community reentry time can have serious public safety implications.

We need more research on halfway houses to understand fully their impact on rehabilitation and recidivism reduction. We do not have data on the ideal length of stay in a halfway house, for example, but research confirms that high-risk, high-needs people benefit more from halfway house stays than lower-risk, lower-needs people. In fact, the BOP itself concedes that the available research indicates halfway houses are criminogenic for low-risk, low-needs offenders.³⁴ Many prisoners confirm to us in their correspondence, though, that they feel they need halfway house stays that are longer than two-to-four months to help them reenter – and lacking better data, their stories deserve the committee’s thoughtful consideration.

Many Prisoners Need the Services Recently Cut at Halfway Houses

Cuts to rehabilitative programming and qualified staff at halfway houses also present public safety concerns. This is especially true because federal prisons are too often failing to rehabilitate people. Our prisoner survey of June 2017 found a disturbing lack of high-quality, meaningful rehabilitative programming in federal prisons, from jobs to mental health and cognitive behavioral therapy to education.³⁵ For example, only three percent of prisoners reported having access to computers while incarcerated,³⁶ yet today’s job market is almost entirely online. The quality and availability of educational classes in prisons is uneven at best, and most classes are taught solely by other inmates or unqualified staff, prisoners reported.³⁷ Job training programs are highly coveted but scarce.³⁸ Only one-third of prisoners who had jobs reported working at least a 40-hour work week, mostly in make-work jobs that contributed to keeping the facility running.³⁹ Nearly 70 percent of prisoners did not receive any mental or cognitive behavioral

³⁴ Bureau of Prisons, Memorandum for Regional Directors, Wardens, Residential Reentry Managers from Blake R. Davis, Assistant Director, Correctional Programs Div. on Guidance for Home Confinement and Residential Reentry Center Placements 1-2 (May 24, 2013), https://www.bop.gov/foia/rc_hc_guidance_memo.pdf.

³⁵ See generally USING TIME TO REDUCE CRIME.

³⁶ *Id.* at 10.

³⁷ *Id.* at 9-10.

³⁸ *Id.* at 8.

³⁹ *Id.* at 6-7.

health treatment in prison⁴⁰ – exactly the programming BOP has now eliminated from the Statement of Work for halfway house contractors.

Clearly, halfway houses cannot be expected to do it all – but for their hefty price tag, halfway houses should be required to do more than merely provide “three hots and a cot” for each prisoner. Cognitive behavioral therapy reduces recidivism.⁴¹ It is a service that halfway house contractors have told us they want to provide – yet the BOP has told them not to and refuses to pay them to do so. Prisoners face enormous anxiety returning to a world that is often literally nothing like the one they left when they went to prison. Halfway houses should be required to give former prisoners tools that can help them cope with and adjust to this new world.

One currently incarcerated person, whose release date to a halfway house was pushed from December 20 to mid-February, wrote to us:

I understand that not everyone needs halfway house but I’m one that does. In the last 6 years I’ve lost my Mom, Grandma, Grandpa (on my mom’s side), Granny on Dad’s side, and my Aunt. I’m a only child, so I don’ have support when I get out. So halfway house means something to me and I need all of it I can get. This halfway house is the only way I can rebuild my life. I hope that this gets fixed because there are some of that have changed our lives in here and have plans to do better when we get out.

Home Confinement is Underutilized, Further Straining Halfway House Capacity

Prisoners who do not need the services that halfway houses provide and could go straight to supervision on home confinement are regularly being required to go to a halfway house anyway.⁴² This puts additional strain on the increasingly limited number of halfway house beds available for reentry and perpetuates the cycle of shorter halfway house stays and longer prison sentences. Home confinement is significantly less expensive than halfway houses, so the failure to use this option for people who should receive it is costly, keeps families apart longer than necessary, and does nothing to increase public safety.

What is especially counterproductive is the BOP’s decision to send low-risk prisoners to halfway houses after they’ve already become eligible for home confinement. As one prisoner in Ohio recently wrote:

I was supposed to go to [redacted] halfway house on Dec. 12, 2017. I was told by the halfway house that my date has been pulled and it is now sometime in February 2018. I have not heard a new date from where I am being held yet. I was supposed to get 121-150 days halfway house. Now I will be going to the halfway house about a month after my

⁴⁰ *Id.* at 17.

⁴¹ Patrick Clark, *Preventing Future Crime With Cognitive Behavioral Therapy*, NIC J. (Apr. 2010), <https://www.nij.gov/journals/265/pages/therapy.aspx> (summarizing the research literature on cognitive behavioral therapy, which shows that “cognitive behavioral therapy significantly reduced recidivism even among high-risk offenders.”).

⁴² U.S. Dep’t of Justice, Office of the Inspector General, *Audit of the Federal Bureau of Prisons Management of Inmate Placements in Residential Reentry Centers and Home Confinement* ii (Nov. 2016), <https://oig.justice.gov/reports/2016/a1701.pdf>.

home confinement date. No one will explain to me why I just can't go to direct home confinement since I have a home and transportation already when I get there.

Longer sentences and cuts to halfway house time are eating into the amount of time many prisoners could spend on home confinement. To remain in prison or fail to enter a halfway house before one's home confinement eligibility date triggers an understandable amount of frustration and resentment in prisoners. While no prisoner is entitled to any time in a halfway house or on home confinement, Congress requires the BOP to ensure that every prisoner gets the halfway house and home confinement time they need, as resources permit. While no prisoner has a right to time in a halfway house or on home confinement, withholding that time influences prisoner attitudes about the fairness and responsiveness of the BOP and about the justice system as a whole – a system that most of them will still have to navigate for many more years, on supervised release.

Cuts to Halfway Houses Harm Families, Financially and Emotionally

Even if the halfway house closures and capacity reductions could be justified on public safety grounds, the BOP's abrupt implementation of these cuts has caused significant hardship for families. FAMM has heard from numerous prisoners who were planning to spend the holidays together with their families for the first time in years and had already made costly travel plans when they learned that they would be required to stay in prison another few months.

It is important to appreciate how much "getting a date" for release means for prisoners and their families. It is the light at the end of a dark tunnel, an event that families plan and prepare for, a source of both fear and joyful anticipation. We have heard from prisoners who secured jobs and start-work dates based on their anticipated halfway house release date; families who moved or changed housing arrangements to accommodate a loved one coming to live with them; parents and children who scheduled medical treatment for themselves and/or their returning family member. The BOP's cuts to halfway houses have upended this careful planning and psychological preparation for hundreds of families in states all across the country. In too many cases, a person's halfway house date has been changed multiple times, putting both prisoner and family on an emotional and financial rollercoaster it is hard for those of us who are not in prison to appreciate.

We have received hundreds of heart-wrenching stories of how the halfway house closures have affected families, including this from a note we received in October:

I was given my date to the halfway house in Aug of 2017...to be getting to the halfway house Nov. 3. I am a little over 20 hours from where my family is, when I told the children & grandkids I was coming home, since I have not seen nor touched them in over 20 months, it was the happiest thing that you could ever tell your family & loved ones....

We have been waiting for this special day for the last 4 months & on Oct. 17, 2017, I was called into my case managers office to be told that they have taken my date from me and that I was not going home until next year. I remember telling my case manager, are you sure its me and she said yes, all she could say was I am sorry. I come back to my unit &

just cried, thinking to myself how am I supposed to tell my kids & family, which my 9 year old son made his own calendar to start counting down the days for me to be able to be home with them.

It is apparent to us that the reductions in the number of halfway house beds – both because of contract cancellations or non-renewals and because halfway houses are no longer filling more beds than their contracts permit – are having a ripple effect across the country. Hundreds and perhaps thousands of prisoners and families will be impacted. Absent significant changes in sentencing or much greater use of home confinement, we do not know when the ripples will subside.

We were pleased to see a bipartisan group of Senators write to BOP and request restoration of lost halfway house beds and services,⁴³ and we hope this committee will also hold BOP accountable to meet these goals. We are grateful that the committee is investigating the recent changes to halfway houses and the impact they are having on prisoners, the overall prison population, families, public safety, and taxpayers.

Additional Oversight Needed on Compassionate Release

On a final note, we would ask the committee members to hold BOP accountable on its failure to use compassionate release, a congressionally authorized release mechanism for prisoners facing extraordinary and compelling circumstances that include, but are not limited to, age, illness, disability, or extreme family hardship.⁴⁴ The BOP is tasked with bringing motions to the courts for the release of prisoners who meet these criteria, but rarely does so. The BOP also fails to review applications in a timely manner; people commonly die in prison while awaiting BOP's decision.⁴⁵ After a scathing report from the DOJ IG and pointed language from the U.S. Sentencing Commission that the BOP must make appropriate use of its compassionate release authority, earlier this year Senate appropriators demanded data from BOP on the numbers of applications, grants, and denials of compassionate release requests.⁴⁶ Another group of senators sent a similar data request to BOP on August 3, 2017.⁴⁷ To our knowledge, that data has not been provided to either the senators or the appropriators.

⁴³ Letter to Deputy Attorney General Rod Rosenstein and BOP Director Mark Inch from U.S. Senators John Cornyn, Chuck Grassley, Rob Portman, Thom Tillis, Sheldon Whitehouse, Amy Klobuchar, Al Franken, and Brian Schatz (Oct. 26, 2017), <http://famm.org/wp-content/uploads/2017/10/US-Senators-Letter-to-BOP-Regarding-Halfway-Houses.pdf>.

⁴⁴ 18 U.S.C. §§ 3582(c)(1)(A), 4205(g) (2017).

⁴⁵ FAMM & HUMAN RIGHTS WATCH, THE ANSWER IS NO: TOO LITTLE COMPASSIONATE RELEASE IN FEDERAL PRISONS (Nov. 30, 2012), <https://www.hrw.org/report/2012/11/30/answer-no/too-little-compassionate-release-us-federal-prisons>.

⁴⁶ S. 1662, Rep. 115-139, Tit. II (July 27, 2017) (115th Cong., 1st Sess.), <https://www.appropriations.senate.gov/imo/media/doc/FY2018%20Commerce%20Justice%20Science%20Appropriations%20Bill.%20Report%20115-1391.pdf>.

⁴⁷ Letter to Acting Director of the BOP Dr. Thomas Kane and Deputy Attorney General Rod Rosenstein from Senators Brian Schatz, Jeffrey A. Merkley, Sheldon Whitehouse, Cory Booker, Michael S. Lee, John Cornyn, Edward Markey, Elizabeth Warren, Kirsten Gillibrand, Richard Durbin, Tammy Duckworth, and Thom Tillis (Aug. 3, 2017), <https://www.schatz.senate.gov/imo/media/doc/2017.08.03%20Letter%20to%20BOP%20and%20DAG%20re.%20Compassionate%20Release%20FINAL.pdf>.

Last week, a group of more than 25 faith-based, criminal justice reform, human rights, and health policy organizations from across the political spectrum launched a Campaign for Compassionate Release and issued a Statement of Principles.⁴⁸ The Statement calls for greater use of compassionate release and for reforms, including granting prisoners access to court review when administrative remedies have been exhausted and a compassionate release request has been denied.⁴⁹ The Campaign also sent a letter to BOP Director Mark Inch urging him to use compassionate release vigorously.⁵⁰ This issue is not a partisan one. Releasing ill, disabled, and dying prisoners to the care of their families in their final days is humane, fiscally wise, and saves prison beds for those who pose a far greater danger.

We urge this committee to hold the BOP accountable and ask what it plans to do to ensure that it uses compassionate release as Congress intended.

Conclusion

We are grateful for and applaud this committee's oversight of the Bureau of Prisons, its reentry programs, and its use of compassionate release. Thank you for considering our views, and please contact us if we can be of further assistance to you.

⁴⁸ Campaign for Compassionate Release, Statement of Principles (Dec. 7, 2017), <http://famm.org/download/18026/>.

⁴⁹ *Id.*

⁵⁰ Letter to BOP Director Mark Inch from members of the Campaign for Compassionate Release (Dec. 7, 2017), <http://famm.org/download/18028/>.